

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Bridgewater-Emery School District**  
**Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Linda Shirley, Team Leader; Dustin Hinckley, Donna Huber Educational Specialists; Bev Petersen, Transition Liaison

**Dates of On Site Visit:** September 14, 2011

**Date of Report:** October 19, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

### **Applicable ARSD and/or Compliance Indicator #:**

#### **ARSD 24:05:22:03 Certified child**

A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**ARSD 24:05:25:03. Preplacement evaluation.** Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

**ARSD 24:05:24.01:09. Developmental delay defined.** A student three, four, or five years old may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01 or if the student experiences a severe delay in development and needs special education and related services.

A student with a severe delay in development functions at developmental level two or more standard deviations below the mean in any one area of development specified in this section or 1.5 standard deviations below the mean in two or more areas of development.

The areas of development are cognitive development, physical development, communication development, social or emotional development, and adaptive development.

The student may not be identified as a student with a disability if the student's delay in development is due to factors related to environment, economic disadvantage, or cultural difference.

A district is not required to adopt and use the term developmental delay for any students within its jurisdiction. If a district uses the term developmental delay, the district must conform to both the division's definition of the term and to the age range that has been adopted by the division.

A district shall ensure that all of the student's special education and related services needs that have been identified through the evaluation procedures described under chapter 24:05:25 are appropriately addressed.

**24:05:24.01:20. Speech or language disorder defined.** Speech or language impairment is a communication disorder such as stuttering, impaired articulation, a language disorder, or a voice disorder that adversely affects a child's educational performance.

### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

One student is identified as speech/language and receiving services in cognitive, fine and gross motor. One student did not have medical data to support the disability, and another student under multiple disabilities was not being served in all areas of disability.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #4 This student is identified on the December 1, 2010 child count under the eligibility category of Speech/Language (550). This student is receiving Cognitive and fine and gross motor instruction with speech/language. Speech/Language does not support related services of cognitive and fine and gross motor instruction.

Student #5 This student is identified on the December 1, 2010 child count under the eligibility category of OHI (555). There was no medical diagnosis to support the ADHD disability that qualified the student for this category.

Student #7 This student is identified on the December 1, 2010 child count under the eligibility category of Multiple Disabilities (530). The student qualified for this category with Orthopedic Impairment and Cognitive. The student is not receiving any fine or gross motor services, so the educational impact for orthopedic impairment has not been addressed.

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #4: The IEP team must meet and review all eligibility documentation to determine correct placement for this student.

Student #5: The IEP team must meet and collect necessary medical documentation to show this student is a student with a disability under OHI (555).

Student #7: The IEP team must meet and determine if fine or gross services are needed in order for this student to benefit from a special education program. In the event special education services are not needed for fine or gross motor the team must review eligibility and consider if cognitive disability (510) is the appropriate eligibility category for this student.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #4: Submit prior notice for the meeting to determine correct eligibility for this student. Submit the decision of the IEP team. If the team concurs the student meets the criteria for Developmental Delay the amended IEP showing continuum of placement and goals for this student will be submitted. If the team concurs that the student does not meet the criteria for Developmental Delay then amend the IEP to show Speech/Language services only.

Student #5: Submit prior notice for the meeting to determine eligibility for this student. Submit the medical documentation required to determine eligibility.

Student #7: Submit prior notice for the meeting to determine if fine and gross motor is required in order for this student to benefit from special education services. Submit the team decision and amended the IEP and/or eligibility document if the category is changed.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

**Corrective Action:**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The IEP teams must consistently collect all data to address correct eligibility for each individual student.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

The district must submit a copy of all Evaluations and Revaluations and MDTs completed during the next 4 months.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**February 1, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

### **Applicable ARSD and/or Compliance Indicator #:**

**ARSD 24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
  - (i) To be involved in and progress in the general education curriculum; or
  - (ii) For a preschool child, to participate in appropriate activities;

### **Corrective Action ( Immediate Fix):**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through a review of student records the monitoring team noted that skill based assessment was not conducted in one student file reviewed.

### **File Number(s)** (List all file numbers and the issues associated with each file)

Student #1: This student is identified on the December 1, 2010 child count under the eligibility category for a cognitive disability. A skill based assessment was not completed for cognitive or speech/language to base the content of the IEP (link to evaluation).

### **Required Action:** (Describe the action steps the district must take to correct each file)

Student #1: The district must conduct additional evaluations to gather skill based assessments in the areas of disability. Evaluation reports must be written and copies provided to parents. The IEP team must meet to amend the present levels of academic achievement and functional performance (PLAAFP) and use the skill base assessment to develop the content of the IEP (PLAAFP).

### **Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #1: The district must submit the prior notice/consents for the administration of skill based assessment, the prior notice for the meeting to amend the IEP and the amended IEP that includes the skill based information to develop the PLAAFP.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

### **Corrective Action:**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must consistently implement skill based assessment as part of the evaluation process and develop evaluation reports that can be given to parents. The skill based assessment must be used when determining eligibility/educational impact and used in the development of the student's educational program (IEP).

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance

with the ARSD)

Each special education teacher must submit the following documents for one student who has been initially evaluated or reevaluation since the on-site review:

- 1) Referral (initial only)
- 2) prior notice/consent for evaluation
- 3) evaluation reports (including skill based assessment)
- 4) eligibility document
- 5) IEP

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**February 1, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

### **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**Applicable ARSD and/or Compliance Indicator #:**

**ARSD 24:05:28:02. Continuum of alternative placements. Alternative placements** which must be made available include the following:

- (1) Regular educational programs with modification;
- (2) Resource rooms;
- (3) Self-contained programs;
- (4) Separate day school programs;
- (5) Residential school programs;
- (6) Home and hospital programs; and
- (7) Other settings.

For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs of the child. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable.

**Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through file reviews the monitoring team identified one early childhood student whose continuum of placement does not match the justification placement. Justification was 335 and continuum was 315.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #4: Configuration of services for this student stated placement to be 315 (Children attending a regular early childhood program 10 hours or more per week in some other location). The justification statement put placement at 335 (Children attending a special education program. Not in any regular early childhood program).

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #4: The IEP team must meet and determine correct placement for this student including continuum of placement and justification for placement.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #4: The district must submit the prior notice for the meeting to amend the IEP and documentation of the amended IEP to clarify correct placement for this student.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

**Corrective Action:**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must review and revise current policy, procedure and practice to ensure that the continuum of placement and the justification for placement match for each student.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

Documentation submitted for General Supervision #2 will be used to verify correction of this finding.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

**State Performance Plan – Performance Indicators**

**Indicator 1 – Graduation Rate**

Percent of youth with IEP's graduating from high school with a regular diploma.

District Policy, Procedure and Practice:

The district provides the same graduation requirements for IEP students as regular education students. They try to include them in the regular classroom and in regular school activities as much as possible.

**Indicator 8 – Parent Involvement**

Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

District Policy, Procedure and Practice:

This has been a weakness in the district. They now will hand out surveys at the students yearly IEP and explain to the parents the importance of filling them out.